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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,635	10/08/2003	David Koeller	KOE-P-03-001	6112

7590 04/05/2007
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EXAMINER

DAVIS, CASSANDRA HOPE

ART UNIT	PAPER NUMBER
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3611

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/681,635

Applicant(s)

KOELLER, DAVID

Examiner

Cassandra Davis

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 08 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1029 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 3, 7-12, 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vella, US 20050055921A1 in view of Zinbarg, U. S. Patent 5,943,803 and Marshall, US 5503891.
3. With respect to claims 1, 2, 10, Vella teaches a plurality of magnetic garage door pads. (See figure 1a). The pads comprise a first sheet 20 having a first planar side 30 and a second planar side 40 wherein the first planar side is oppositely juxtaposed to the second planar side and wherein the first planar side is a magnetic layer for removably attaching the first sheet to the garage door panel. The first planar side 30 has a first thickness defined between a top surface and a bottom surface of the first planar side 30. The second planar side 40 has a second thickness defined between a front surface and a rear surface of the second planar side wherein the rear surface is adjacent to the top surface. Vella also teaches the first thickness (the thickness of the magnetic side 30) is greater than the second thickness (the thickness of the intermediate layer 40). (See figure 4). In addition, Vella teaches the second side has graphical representation 50 and a protective coating 60 over the graphical representation.

4. Vella does not teach the plurality of pads aligned to create an image that encompass more than one of the garage door panels or the thickness of the magnetic layer greater than the thickness of the first planar side.

5. Zinbarg teaches a garage door cover comprising a plurality of covers adapted to adhesively cover the entire surface of each garage door panel. Wherein each cover has a portion of an image such that when placed on the panels of the garage door a composite image is presented. (See figure 1).

6. Marshall teaches a flexible magnetic mat comprising a magnetic surface 14 and a display surface 12 laminated to the magnetic surface using an adhesive, wherein the adhesive corresponds to the bonding layer. See column 2, lines 40-62. In addition, Marshall teaches the thickness of the magnetic layer at its lower limits to be 0.25 mm and the thickness of the display surface 12 at its lower limit to be 0.175, wherein the thickness of the magnetic layer is greater than the thickness of the display surface.

7. Since Vella teaches the pad can be cut to a user-defined shape and size, it would have been obvious to one having ordinary skill in the art at the time this invention was made to provide a plurality of magnetic pads taught by Vella cut into long strips as taught by Zinbarg to provide a means to cover the entire surface area of the each panel of a garage door to enhance the aesthetic appearance of the door or to convey a desire message. In addition, it would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the magnetic and display sheet taught by Vella and Zinbarg laminated together as taught by Marshall to provide a means to permanently secure the sheets together.

8. With respect to claim 3, 7, 14 and 18, Vella teaches a protective layer 60.

9. With respect to claim 8, 9, 11, 16, Vella, Marshall and Zinbarg teach indicia or graphics on the panels. Since textual indicia do not have an unobvious functional relationship with the panel, it appears using any suitable indicia would perform equally well in conveying a desired message. It would have been obvious at the time this invention was made to place whatever desired indicia on the panel to convey a desired message.

10. With respect to claims 15, Zinbarg teaches providing a garage door having a plurality of panel, providing a sheet with graphic or indicia thereon, cutting the sheet to the size of each garage door panel and attaching the cut sheet to the panels.

11. Claims 4, 5, 6, 13, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Villa in view of Zinbarg and Marshall as applied to claims 1, 10, and 14 above, and further in view of Blyden et al., U. S. Patent 6,217,958.

12. Blyden teaches a magnetic sign 1 having a magnetic layer 8 and a weather resistant first layer 3 with an ink or printed design thereon. Column 3, lines 1-18. The design can be a vinyl paint, illumined paint, reflective paint or photographic pictures. See column 4, lines 33-42.

13. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the magnetic garage door pad taught by Villa and Zinbarg with reflective and/or illumined paint as taught by Blyden to provide a means to increase the visibility of the pad.


Response to Arguments

14. Applicant's arguments with respect to claims 1, 10, and 14 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 571-272-6642. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Cassandra Davis
Primary Examiner
Art Unit 3611

CD
April 2, 2007